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Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance Issued: June 9, 2005

AAPD 05-04

Implementation of the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 – Eligibility Limitation on the Use of Funds and Opposition to Prostitution and Sex Trafficking

Subject Category: ACQUISITION MANAGEMENT, ASSISTANCE

Type: POLICY

AAPDs provide information of significance to all agency personnel and partners involved in the Acquisition and Assistance process. Information includes (but is not limited to): advance notification of changes in acquisition or assistance regulations; reminders; procedures; and general information. Also, AAPDs may be used to implement new requirements on short-notice, pending formal amendment of acquisition or assistance regulations.

AAPDs are EFFECTIVE AS OF THE ISSUED DATE unless otherwise noted in the guidance below; the directives remain in effect until this office issues a notice of cancellation.

This AAPD: ☐ Is New ☒ Replaces/ ☐ Amends CIB/AAPD No: 04-04 (Revision 2)

Applicable to:

- ☒ Existing awards; ☐ Modification required
☐ No later than
☒ As noted in guidance below
☒ RFPs/RFAs issued on or after the effective date of this AAPD; all other Pending Awards, i.e., 8(a), sole source, IQC
☐ Other or N/A

Precedes change to:

- ☒ AIDAR Part(s) tbd Appendix
☒ USAID Automated Directives System (ADS) Chapter 302, 303, and 308
☒ Code of Federal Regulations 22 CFR 226
☐ Other
☐ No change to regulations

☒ New Provision/Clause Provided Herein: If checked, scheduled update to Prodoc: Dec. 2005

(signed copy on file)

Jeffery Bell
Acting Director

1. PURPOSE:

The purpose of this AAPD is to provide clauses to be included as new standard provisions for assistance agreements and contracts that include HIV/AIDS funds. These provisions: (i) permit recipients to not endorse or utilize a multisectoral approach to combatting HIV/AIDS, or to not endorse, utilize or participate in a prevention method or treatment program to which the organization has a religious or moral objection; (ii) prohibit the funds provided under the agreement to be used to promote the legalization or practice of prostitution or sex trafficking; and (iii) require recipients to agree that they oppose prostitution and sex trafficking.

2. BACKGROUND:

The United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, Pub.L. No. 108-25 (2003) (the “AIDS Authorization”) authorizes funds to be appropriated for HIV/AIDS activities for the fiscal years 2004-2008. The AIDS Authorization includes, among other things, certain restrictions on the use of HIV/AIDS funds, and requires recipients of those funds to have certain policies in place. It also permits an organization to receive funds even if such organization cannot endorse, utilize or participate in a prevention method or treatment program to which the organization has a religious or moral objection.

Section 301 of the AIDS Authorization, entitled “Assistance to Combat HIV/AIDS,” includes the following provisions:

“(d) ELIGIBILITY FOR ASSISTANCE- An organization that is otherwise eligible to receive assistance under section 104A of the Foreign Assistance Act of 1961 (as added by subsection (a)) or under any other provision of this Act (or any amendment made by this Act) to prevent, treat, or monitor HIV/AIDS shall not be required, as a condition of receiving the assistance, to endorse or utilize a multisectoral approach to combatting HIV/AIDS, or to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection.

(e) LIMITATION. – No funds made available to carry out this Act, or any amendment made by this Act, may be used to promote or advocate the legalization or practice of prostitution or sex trafficking. Nothing in the preceding sentence shall be construed to preclude the provision to individuals of palliative care, treatment, or post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and when proven effective, microbicides.

(f) LIMITATION. – No funds made available to carry out this Act, or any amendment made by this Act, may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking.”

The Consolidated Appropriations Act of 2004 and 2005, Division D – Foreign Operations, Export Financing, and Related Programs Appropriations (“FY 04 and FY 05 Appropriations Acts”), Title II – Bilateral Economic Assistance, United States Agency for International Development, Child Survival and Health Programs Fund include the following provision, “That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.”

In addition, the FY 04 Appropriations Act amended section 301(f) of the AIDS Authorization by exempting the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Health Organization, the International AIDS Vaccine Initiative and any “United Nations agency” from that section. The Statement of Managers of the FY 04 Appropriations Act states that the conferees “intend that for purposes of this provision, the World Health Organization includes its six regional offices: The Americas (PAHO); South-East Asia (SEARO); Africa (AFRO); Eastern Mediterranean (EMRO); Europe (EURO); and Western Pacific (WPRO).”

Although the above-named public international organizations are exempt from section 301(f) of the AIDS Authorization, they are subject to the AAPD 05-04 clauses that implement sections 301(d) and (e) of the AIDS Authorization. However, this AAPD does not apply to USAID contributions to multidonor trust funds, such as to the Trust Fund for the Global Fund to Fight AIDS, Tuberculosis and Malaria.

Consistent with guidance from the U.S. Department of Justice, the AAPD 05-04 clauses that implement section 301(f) of the AIDS Authorization now apply to U.S. organizations as well as foreign organizations.

Prior to receiving HIV/AIDS funds under a grant or cooperative agreement, U.S. and non-U.S. non-governmental organizations that are prime recipients must provide a certification that they are in compliance with the standard provisions “Condoms” and “Prohibition on the Promotion or Advocacy of the Legalization or Practice of Prostitution or Sex Trafficking” that appear below. USAID intends to require prime contractors to provide a similar certification and is currently seeking the approval of the Federal Acquisition Regulation Council to do so. Pending such approval, USAID will not require contractors to provide a certification.

OMB has approved the Agency’s information collection request under the Paperwork Reduction Act, allowing USAID to implement the above stated requirements in conformity with the Paperwork Reduction Act. Therefore, USAID will require (i) U.S. and non-U.S. nongovernmental organizations, certain public international organizations and contractors and subcontractors to have a policy explicitly opposing prostitution and sex trafficking; (ii) U.S. and non-U.S. non-governmental organizations receiving HIV/AIDS funds under a grant or cooperative agreement to provide a certification that they are in compliance with the standard provisions “Condoms” and “Prohibition on the Promotion or Advocacy of the Legalization or Practice of Prostitution or Sex Trafficking”

AAPD 05-04 Implementation of the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 – Eligibility Limitation on the Use of Funds and Opposition to Prostitution and Sex Trafficking

that appear below; and (iii) all recipients of HIV/AIDS fund to ensure that information provided about the use of condoms as part of projects funded from such monies shall be medically accurate and include the public health benefits and failure rates of such use and shall be consistent with USAID's fact sheet entitled, "USAID: HIV/STI Prevention and Condoms." (OMB No.: 0412-0568)

3. GUIDANCE:

A. For Assistance Awards (grants and cooperative agreements) to U.S. non-governmental, non-U.S. non-governmental, and Public International Organizations (PIOs):

I. Eligibility

The following provisions must be included in each new Request for Applications (RFA) and Annual Program Statement (APS) utilizing HIV/AIDS funding. When designing a program for HIV/AIDS the SO Team or requiring office must be mindful of the first clause below. The evaluation criteria should not give any special advantage to an organization that endorses or utilizes a multisectoral approach (multisectoral in the legislation refers to Abstinence, Be Faithful/Behavior Change, and Condoms).

These provisions also must be included in the Standard Provisions of any new grant or cooperative agreement to a public international organization or a U.S. or non-U.S. non-governmental organization financed with FY04-FY08 HIV/AIDS funds or modification to an existing grant or cooperative agreement that adds FY04-FY08 HIV/AIDS funds.

"ORGANIZATIONS ELIGIBLE FOR ASSISTANCE (ASSISTANCE) (JUNE 2005)

An organization that is otherwise eligible to receive funds under this agreement to prevent, treat, or monitor HIV/AIDS shall not be required to endorse or utilize a multisectoral approach to combatting HIV/AIDS, or to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection.

CONDOMS (ASSISTANCE) (JUNE 2005)

Information provided about the use of condoms as part of projects or activities that are funded under this agreement shall be medically accurate and shall include the public health benefits and failure rates of such use and shall be consistent with USAID's fact sheet entitled, "USAID: HIV/STI Prevention and Condoms. This fact sheet may be accessed at:

http://www.usaid.gov/our_work/global_health/aids/TechAreas/prevention/condomfactsheet.html

II. Limitation on the Use of Funds

The following must be included in the Standard Provisions of any grant or cooperative agreement or subagreement funded with FY04-FY08 HIV/AIDS funds with a U.S. nongovernmental organization, non-U.S., non-governmental organization or public international organizations.

“PROHIBITION ON THE PROMOTION OR ADVOCACY OF THE LEGALIZATION OR PRACTICE OF PROSTITUTION OR SEX TRAFFICKING (ASSISTANCE) (JUNE 2005)

(a) The U.S. Government is opposed to prostitution and related activities, which are inherently harmful and dehumanizing, and contribute to the phenomenon of trafficking in persons. None of the funds made available under this agreement may be used to promote or advocate the legalization or practice of prostitution or sex trafficking. Nothing in the preceding sentence shall be construed to preclude the provision to individuals of palliative care, treatment, or post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

(b) Except as noted in the second sentence of this paragraph, as a condition of entering into this agreement or any subagreement, a non-governmental organization or public international organization recipient/subrecipient must have a policy explicitly opposing prostitution and sex trafficking. The following organizations are exempt from this paragraph: the Global Fund to Fight AIDS, Tuberculosis and Malaria; the World Health Organization; the International AIDS Vaccine Initiative; and any United Nations agency.

(c) The following definition applies for purposes of this provision:

Sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. 22 U.S.C. 7102(9).

(d) The recipient shall insert this provision, which is a standard provision, in all subagreements.

(e) This provision includes express terms and conditions of the agreement and any violation of it shall be grounds for unilateral termination of the agreement by USAID prior to the end of its term.

(End of Provision)”

III. Certification

This certification requirement only applies to the prime recipient. Before a U.S. or non-U.S. non-governmental organization receives FY04-FY08 HIV/AIDS funds under a grant or cooperative agreement, such recipient must provide to the Agreement Officer a certification substantially as follows:

“[Recipient's name] certifies compliance as applicable with the standard provisions entitled “Condoms” and “Prohibition on the Promotion or Advocacy of the Legalization or Practice of Prostitution or Sex Trafficking” included in the referenced agreement.”

B. For Contracts:

I. Eligibility

The following provisions must be included in each new solicitation and contract utilizing FY04-FY08 HIV/AIDS funding. When designing a program for HIV/AIDS the SO Team or requiring office must be mindful of the first clause below. The evaluation criteria should not give any special advantage to an organization that endorses or utilizes a multisectoral approach (multisectoral in the legislation refers to Abstinence, Be Faithful/Behavior Change, and Condoms).

In addition, these provisions are to be included when any existing contract is amended to add FY04-FY08 HIV/AIDS funding.

“ORGANIZATIONS ELIGIBLE FOR ASSISTANCE (ACQUISITION) (JUNE 2005)

An organization that is otherwise eligible to receive funds under this contract to prevent, treat, or monitor HIV/AIDS shall not be required to endorse or utilize a multisectoral approach to combatting HIV/AIDS, or to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection.

CONDOMS (ACQUISITION) (JUNE 2005)

Information provided about the use of condoms as part of projects or activities that are funded under this contract shall be medically accurate and shall include the public health benefits and failure rates of such use and shall be consistent with USAID’s fact sheet entitled, “USAID: HIV/STI Prevention and Condoms. This fact sheet may be accessed at:

http://www.usaid.gov/our_work/global_health/aids/TechAreas/prevention/condomfactsheet.html

II. Limitation on the Use of Funds

The following must be included in the Schedule of any contract that includes FY04-FY08 HIV/AIDS funds.

**“PROHIBITION ON THE PROMOTION OR ADVOCACY OF THE
LEGALIZATION OR PRACTICE OF PROSTITUTION OR SEX TRAFFICKING
(ACQUISITION) (JUNE 2005)**

(a) This contract is authorized under the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (P.L. 108-25). This Act enunciates that the U.S. Government is opposed to prostitution and related activities, which are inherently harmful and dehumanizing, and contribute to the phenomenon of trafficking in persons. The contractor shall not use any of the funds made available under this contract to promote or advocate the legalization or practice of prostitution or sex trafficking. Nothing in the preceding sentence shall be construed to preclude the provision to individuals of palliative care, treatment, or post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

(b) Except as provided in the second sentence of this paragraph, as a condition of entering into this contract or subcontract, a non-governmental organization or public international organization contractor/subcontractor must have a policy explicitly opposing prostitution and sex trafficking. The following organizations are exempt from this paragraph: the Global Fund to Fight AIDS, Tuberculosis and Malaria; the World Health Organization; the International AIDS Vaccine Initiative; and any United Nations agency.

(c) The following definition applies for purposes of this provision:

Sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. 22 U.S.C. 7102(9).

(d) The contractor shall insert this clause in all subcontracts.

(e) Any violation of this clause will result in the immediate termination of this contract by USAID.”

If the contract provides for the contractor to execute grants to non-governmental organizations (not-for-profits or for-profits), per ADS 302.5.6 Grants under Contracts, then the contractor must comply with the assistance provisions in Section 3.A of this AAPD when awarding grants or cooperative agreements under its contract (in compliance with ADS 302.5.6(c) and (d)).

4. POINTS OF CONTACT:

USAID Contracting Officers and Agreement Officers may direct their questions about this AAPD to Diane M. Howard, M/OAA/PE, Phone: (202) 712-0206 e-mail: dhoward@usaid.gov, or Ann Cataldo, M/OAA/PE, Phone (202) 712-4886, e-mail acataldo@usaid.gov.

Contractors, recipients, and prospective offerors for contracts or assistance awards must direct their questions to the cognizant Contracting Officer or Agreement Officer for the award.

All other inquiries about this AAPD may be addressed to Diane Bui, GC/GH & EGAT, Phone (202) 712-0529 e-mail: dibui@usaid.gov.



HIV/AIDS



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USAID: HIV/STI Prevention and Condoms

The U.S. Agency for International Development (USAID) has been a leader in HIV prevention and is fully committed to a balanced approach to the "ABCs" of HIV prevention - abstinence, being faithful/partner reduction, and correct and consistent condom use for those most at risk for transmitting or becoming infected with HIV. Condom use can reduce significantly the risk of HIV infection and, in conjunction with other behavior changes such as delayed sexual initiation and partner reduction, is a key component of effective HIV prevention programs.

The Effectiveness of Condoms in Preventing Sexually Transmitted Infections

Abstinence from sexual intercourse or maintaining a mutually monogamous relationship between partners known to be uninfected is the surest way to avoid transmission of HIV and other sexually transmitted infections (STIs). Outside of those conditions, condoms have been an important and successful intervention in many places for sexually active people, particularly when targeted at commercial and other casual sexual encounters. While no barrier method is 100 percent effective, correct and consistent use of latex condoms can reduce the risk of transmission of HIV, some other STIs, and of unintended pregnancy.

HIV: While laboratory research has demonstrated that latex condoms provide an essentially impermeable barrier to particles comparable in size or smaller than STIs, including HIV, studies have shown that correct and consistent use is essential to realize the full benefits provided by condoms in reducing the risk of HIV infection. The body of research demonstrating the effectiveness of latex condoms in reducing sexual transmission of HIV is both comprehensive and conclusive. Scientific studies of sexually active couples, where one partner is infected with HIV and the other partner is not, have demonstrated that the consistent use of latex condoms reduces the likelihood of HIV infection by 80 to 90 percent. However, failure to use condoms correctly with every act of intercourse, or to some extent slippage and breakage of the condom, has been shown to increase the risk of HIV transmission. In fact, some studies have shown that inconsistent condom users may face the same risks of HIV infection as non-users.

Other STIs: Correct condom use can provide a barrier protecting the areas of exposure to genital secretions in both sexes. Gonorrhea, chlamydia and trichomoniasis, like HIV, are transmitted by genital secretions. However, these STIs are more easily transmitted than HIV and inconsistent condom use offers little to no protection from these STIs. Scientific studies do provide evidence that latex condoms, when used consistently and correctly, can reduce the risk of gonorrhea and chlamydia infection in both women and men. Additional research is needed to assess more accurately the degree of risk reduction latex condoms can provide to women and men for trichomoniasis and other STIs transmitted by genital secretions.

Genital ulcer diseases (such as genital herpes, syphilis, and chancroid) and human

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papillomavirus (HPV), which is the main cause of cervical cancer, are transmitted primarily through contact with sores/ulcers or with infected skin in areas that may or may not be covered by a condom. Research studies have shown that correct and consistent condom use can help reduce the risk of herpes and syphilis infection. Correct and consistent use of latex condoms may reduce the risk of chancroid and the other genital ulcerative diseases only when the infected area or site of potential exposure is protected. While there is some data suggesting that the partners of condom users may have a lower rate of cervical cancer, more research is needed to assess whether and to what degree latex condoms may reduce the risk of acquiring HPV, including the few types that are associated with cervical cancer.

Condoms’ Contribution to HIV Prevention Success

The potential impact of condom promotion on the spread of HIV has been demonstrated in Southeast Asian countries in which prostitution has contributed substantially to new HIV infections. In recent years, several countries have succeeded in increasing consistent condom use among prostitutes and their clients. For example, Thailand slowed its explosive HIV epidemic by promoting "100 percent condom" use in brothels. As a result of this policy and an accompanying public information campaign, as well as improved STI treatment services, condom use among prostitutes increased to more than 90 percent, reported visits to prostitutes by men declined by about half, HIV infection rates among military recruits decreased by about half, and the cases of five other STIs decreased by nearly 80 percent among brothel workers.

USAID’s Support for Condom Promotion

Condom promotion is an approach that uses private sector advertising and commercial distribution to make condoms more accessible. These programs distribute high-quality condoms at affordable prices through traditional outlets such as health clinics and pharmacies, and through non-traditional outlets such as bars, hotels, and brothels. Such programs combine condom sales with media campaigns that use culturally appropriate educational messages to promote condom use and other forms of risk reduction. USAID projects also assist governments and organizations in logistics management, including purchase, storage, and distribution, in order to ensure an adequate supply and efficient distribution of condoms. Although it is imperative that USAID address the extraordinary health risks for society associated with prostitution and intravenous drug users by promoting the adoption of safer behaviors and encouraging condom use with casual and high-risk partners, this does not mean that USAID in any way endorses or supports prostitution or drug use.

Successful Examples of Targeted Condom Promotion Programs

Cambodia has also succeeded in reducing HIV prevalence through increased condom use and a large reduction in visits to prostitutes - 76 percent of police reported paying for sex in 1997 versus 32 percent in 2001. USAID support has played an important role in establishing a nation-wide condom distribution program.

Senegal: Along with abstinence and partner reduction, targeted condom promotion and distribution have been central components in Senegal's successful HIV prevention program. Condoms are distributed during AIDS-related public events, as well as to prostitutes, peer educators, and patients with sexually transmitted infections. In addition to providing condoms, a USAID-supported condom marketing program distributes condoms through pharmacies and non-traditional sales outlets.

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OUR WORK



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Our Work: A Better Future For All

We live in an era that has seen dramatic change in recent years -- an era that is rapidly evolving. Globalization, technology, HIV/AIDS, rapid population growth, terrorism, conflict, weapons of mass destruction and failing states -- these are just some of the issues shaping today's world. Most of these issues - both good and bad -- do not recognize national borders. They affect us directly and are dramatically altering the way in which we think and operate.

But we still face an uncertain future. In many developing countries, HIV/AIDS and health issues are having a dramatic impact on social cohesiveness and economic strength, blocking the very development goals we seek. Virtually all the new democracies in the world today are fragile; others are democracies more in name than substance. Nearly a quarter of the people living in developing countries, or about one billion people, live in absolute poverty. There are a host of other threats - ranging from terrorism to infectious disease and violent conflict - that challenge us and the developing nations we seek to help.



USAID works in agriculture, democracy & governance, economic growth, the environment, education, health, global partnerships, and humanitarian assistance in more than 100 countries to provide a better future for all. Please explore the sections listed below to find out more about USAID's work in these areas.

[Agriculture](#)

The food that we eat connects each of us to the world of agriculture. Farmers and livestock producers in every country are responsible for most of the supply of food that goes through grocery stores and markets in towns and cities. USAID works with all participants in agricultural development to support efforts to increase productivity.

[Democracy & Governance](#)

The idea of democracy is closely linked to the national identity of the United States. Even during the most isolationist periods in our early history, our relatively young country was seen as a shining beacon to individuals and families seeking personal freedoms. Expanding the global community of democracies is a key objective of U.S. foreign policy.

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[Economic Growth & Trade](#)

Almost two-thirds of the world's population lives on less than \$2 per day. Families are hard-pressed, at this level of income, to meet their daily needs for food and shelter. USAID economic growth and trade programs provide support both to government and private sector partners in lower-income countries to improve the levels of income their citizens enjoy.

[Environment](#)

Growing populations are placing increasing pressure on the natural resources in many countries and many of these resources, once used, are not renewable. USAID takes an integrated approach to natural resources management. Land and water must be managed skillfully so that they are able to maintain our basic ability to produce food for the nine billion people that the world is expected to have by 2050.

[Education & Training](#)

The ability to read and write — or literacy — is a basic skill for people to live and work in today's world. Yet more than 900 million adults are not literate, primarily in developing countries. More than 125 million children who should be in school are not. USAID emphasizes programs of support for basic education and places a special emphasis on improving opportunities for girls, women and other underserved and disadvantaged populations.

[Global Health](#)

The USAID's programs in global health represent the commitment and determination of the US government to prevent suffering, save lives, and create a brighter future for families in the developing world.

[Global Partnerships](#)

Since its inception, USAID has worked in cooperation with U.S. and international partners to improve conditions for people around the world. While these partnerships have long been key to USAID's success, this strategy has never been more important than now. USAID is committed to an approach that recognizes and incorporates the efforts of partnership and private giving, focusing on grassroots support, local ownership, sustainability, accountability, and--not least--passion and commitment.

[Humanitarian Assistance](#)

The United States gives more to those in crisis than any other country in the world. USAID is the U.S. Government agency that is responsible for directing these contributions to thousands of non-profit partners and international organizations. USAID ensures that all of this assistance is spent in the way that most effectively helps those who are in need.

Cross-Cutting Programs

Some parts of our work are best implemented by working through the Agency's key sectors to implement their goals in a coordinated fashion and to call attention to these issues in each programmatic area. At USAID, these are called cross-cutting programs, and include:

- [Transition Initiatives](#): Provides fast, flexible, short-term assistance to take advantage of windows of opportunity to build democracy and peace. This program lays the foundations for long-term development by promoting reconciliation, jumpstarting economies, and helping stable democracy take hold.
- [Private and Voluntary Cooperation](#) - USAID has forged critical ties with U.S. Private Voluntary Organizations committed to participating in development. It has used competitive grants and programs to help deliver essential services in underserved communities.
- [Conflict Management](#) - Violence, or the imminent threat of violence, can destabilize a society in ways that traditional USAID programs are often ill-prepared to identify and address. USAID is taking a lead role in designing development assistance programs that better address the causes and consequences of violent conflict.
- [Urban Programs](#) - Few developing cities are prepared for the consequences of rapid growth. USAID's urban programs improve the living conditions of the urban poor while protecting the well-being of future generations.
- [Water](#) - Every ecosystem, society, and individual on Earth depends on water. USAID has made the preservation and environmentally sound development of the world's water resources a top priority.

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- [**Women In Development**](#) - The contributions that women make to the economic, social, and political lives of their nations, communities, families and the next generation make them key actors in effective development. USAID's approach to gender is to design programs that take both women's and men's participation into account.

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BUSINESS



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Doing Business with USAID

Acquisition and Assistance

The **USAID Business** site is your one-stop place for finding important information to get you started. USAID awards approximately \$4 billion dollars each fiscal year in federal contracts and grants. Contracts are awarded primarily for technical assistance but also for commodities and/or equipment, transportation services and occasionally, construction. Grants are awarded for a variety of programs --- some recurring (e.g., Food for Peace grants and other grant programs exclusively for Private Voluntary Organizations) --- and some for unique non-recurring programs. All contracts and grants issued ultimately support objectives of that part of the U.S. foreign assistance program managed by USAID.

The **Central Contractor Registration/Business Partner Network Policy** became effective October 1, 2003 for all contractors and recipients conducting business with the federal government. Please take the time to review this important information and visit the **Central Contractor Registration Website** at www.ccr.gov.

The **CCR/BPN** is a new e-gov initiative mandated by the President's Management Agenda requiring a "single face to industry." You may also register at the above website. This new policy will be reflected on the USAID Agency Website and will be noted in all new solicitations. Please email or call Terry Payne with any additional questions or concerns that you may have concerning **CCR/BPN** at the following address: tpayne@usaid.gov.

Please visit the Business section frequently for updated postings on this matter.

USAID utilizes various acquisition and assistance instruments to implement its activities. Contracts, grants, cooperative agreements and purchase orders are some of the instruments which are negotiated and signed worldwide by USAID. These instruments provide a variety of commodities and technical assistance to support the attainment of the agency's objectives. **Acquisition** refers to obtaining goods and services, through various types of contracts, for the use or benefit of the Agency. **Assistance** refers to transferring funds (or other valuables) from USAID to another party for the implementation of programs which will contribute to the public good through the furtherance of the objectives of the Foreign Assistance Act.

About one half of the contract and grant awards made by USAID are negotiated, issued and administered by our Washington D.C. Office of Procurement. The other half are negotiated, issued and administered by Contracting and Grant staff located at USAID Missions worldwide. Information regarding the vast majority of our worldwide business opportunities is accessible

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- [Washington Government Credit Card Holders \(pdf\)](#)
- [FAIR Act Report](#)
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through this site.

In addition to business opportunities, this site provides all the regulatory and policy information needed for detailed searches to specific questions as well as general information especially helpful to those who are new to working with USAID.

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- **AAPD 05-06:** [Revised Standard Provision for Non-Governmental Organizations](#) PDF
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BUSINESS



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Business Opportunities

USAID does business through a variety of available federal mechanisms -- each with their own distinct policies, forms, procedures and associated documents. To assist you in targeting specific types of business opportunities, the various solicitation types are categorized as follows:

- **Contracts (Acquisitions):** Direct contracts are subject to the Federal Acquisition Regulations (FAR), the USAID Supplement to the FAR (AIDAR), and applicable portions of the ADS Series 300.

Notices of contract opportunities and corresponding solicitations are publicized at [FedBizOpps \(www.fbo.gov\)](http://www.fbo.gov), the single source for federal procurement opportunities.

- **Personal Services Contracts (PSCs):** are characterized by the employer-employee relationship that exists between the Government and the contractor. The contractor is treated very much like the civil service staff, frequently performing the same or similar work. USAID hires PSCs to work in a variety of fields both in USAID/Washington and in USAID Missions worldwide.

Notices of contract opportunities and corresponding solicitations are publicized at [FedBizOpps \(www.fbo.gov\)](http://www.fbo.gov), the single source for federal procurement opportunities.

Note: Effective June 18, 2003, new solicitations for **personal services contracts**—internationally recruited USPSCs and Washington-based USPSCs—will be publicized at FedBizOpps, and not on the Agency's website. Active solicitations for PSC opportunities posted prior to June 18 will remain available on this website until their respective closing dates.

- **Grants and Cooperative Agreements (Assistance):** Federal Grants and or Cooperative Agreements are used to accomplish a public purpose of support or stimulation authorized by the Foreign Assistance Act of 1961, as amended (FAA) the award mechanisms of Grants and Cooperative Agreements are the largest components of awards made by USAID. Current data for fiscal year 2001 reflects that of \$3.1B in awards, 62.3% were for Grants and Cooperative Agreements. The awards support programs of the bureaus of Global Health; Economic Growth, Agriculture and Trade; Democracy, Conflict and Humanitarian Assistance; Regional bureaus and our Missions world-wide.

The Agency may publish an Annual Program Statement (APS) or a Request for

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[Indefinite Quantity Contracts](#) »

[University Partnerships](#) »

[Ombudsman](#) »

[Business Forms](#) »

ADDITIONAL RESOURCES

- [Evaluations](#)
- [Sourcebook on Grants & Cooperative Agreements](#)
- [Yellowbook](#)
- [Washington Government Credit Card Holders \(pdf\)](#)
- [FAIR Act Report](#)
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Applications (RFA) in order to satisfy the requirement for public notice as well as provide a mechanism for advertising competitive assistance programs:

[Annual Program Statements \(APS\)](#)

The Agency generates competition for implementing activities that are complementary to its strategic objectives through annually published Annual Program Statements. These statements solicit and support creative approaches by the non-governmental community that will accomplish stated objectives and may be multi-country or global in nature. They emanate from Global and Regional bureaus, and Missions.

Requests for Assistance (RFA)

These instruments invite interested parties to submit applications for USAID assistance and explain what the application should contain, how it should be written, and the evaluation criteria to be used. They are issued by Agreement Officers, as required, and are in deference to Annual Program Statements.

Effective May 2003, APSs and RFAs will be publicized at [FedGrants \(www.fedgrants.gov\)](http://www.fedgrants.gov), the government-wide portal for grant opportunities. **Please note:** those APS's which were posted to the USAID Business Opportunities site **prior to MAY 2003** will remain available on the USAID website until the period for receipt of applications has expired.

The following business opportunities continue to be publicized on the USAID website:

- [Small Purchases/Request for Quotations \(RFQ's\)](#) (less than \$25,000)
- [Ocean Transportation](#): opportunities for doing business under USAID's food aid program. These opportunities will be directed at firms that supply ocean transportation and related services.
- [Commodities Goods - Procurement Information Bulletins \(PIBs\)](#): Commodities procurement requirements are advertised in the Procurement Information Bulletin (PIB) as required by Section 602 of the Foreign Assistance Act.

In addition to those solicitation opportunities above, the general public is also encouraged to review the [Contract Information Bulletin 99-18](#) "Unsolicited Proposals for Acquisition and Assistance" for guidance in submitting unsolicited concept papers or applications.

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- [AAPD 05-06: Revised Standard Provision for Non-Governmental Organizations PDF](#)
- [AAPD 05-04: Implementation of the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 - Eligibility Limitation on the Use of Funds and Opposition to Prostitution and Sex Trafficking PDF](#)

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